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# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Leslye Corsiglia

**SUBJECT:** SEE BELOW

**DATE:** November 10, 2004

Approved

Date

11-16-04

**COUNCIL DISTRICT:** Citywide

## INFORMATION

### **SUBJECT: QUARTERLY REPORT DETAILING ACTIVITY IN THE HOUSING DEPARTMENT'S RENTAL RIGHTS AND REFERRALS PROGRAM**

This report covers activity in the Rental Rights and Referrals Program for the first quarter of Fiscal Year 2004-05. The Rental Rights and Referrals Program provides education and information to protect tenants and landlords. In the case of a rental dispute between a landlord and tenant, knowing the law, having access to resources, and exploring options, can minimize conflict.

#### **Program Highlights**

Major actions completed during the first quarter of FY 2004-05 include:

- **Commissioners Terms** - On September 28, 2004, the City Council approved an ordinance amending Section 2.08.150 of the San José Municipal Code as it relates to terms for members of certain boards and commissions. This change was sparked by a request from the Advisory Commission on Rents to allow commissioners to be reappointed in special circumstances. The application period for the Commission was also reopened and three incumbent commissioners reapplied for service on the Commission.

- **Eviction Notices** - During the first quarter of FY 2004-05, the Program observed a 44% increase in 30-day notices, a 40% increase in 60-day notices, and a 36% increase in 90/120-day notices, when compared to the FY 2003-04 fourth quarter.

FY 2003 - 2004 Fourth Quarter		FY 2004 - 2005 First Quarter	% Increase
30-day notice	7	16	44%
60-day notice	6	15	40%
90/120-day notice	4	11	36%

These increases in notices filed with the Program reflect the efforts made in the past year to educate landlords on the actions required by the City's ordinance regarding noticing requirements.

- **Landlord Mailer** - The Program sent a mailer to 2,943 landlords on August 9<sup>th</sup> providing information on the changes to the ordinance, effective January 1, 2003. The package contained a letter describing the updated noticing requirements for landlords, and copies of the forms (30-day notice; 60-day notice and 90/120 day notice) that must be submitted to the Program. The City requires landlords to file copies of all notices to vacate with the Program. In addition, staff sent a letter to the landlords requesting fee exemptions for the fiscal year 2004-05.

### **Quarterly Reports**

The following reports are included in this document.

- **Phone Tree** - The phone tree system reported 3,237 calls during the first quarter of FY 2004-05. The data demonstrates that a majority of calls are from English speakers (87%) regarding rental issues. Information from this data collection is attached to this report (Attachment A).
- **Database Report** - The call log database tracked 765 inquiries during the first quarter of FY 2004-05. The Program received 586 incoming calls on voicemail, 157 callers left their phone number so that staff could return the call, eighteen were walk-in clients, three clients received information by email, and one client was visited. A detailed report showing the data collected is attached to this report (Attachment B).
- **Notice to Vacate** - During the first quarter of FY 2004-05, the Rental Rights and Referrals Program also received sixteen 30-day notices, fifteen 60-day notices, and eleven 90-day notices. Information from this database is attached to this report (Attachment C).

- **Public Outreach Report** - The total number of community events for the first quarter of FY 2004-05 was ten. The Rental Rights and Referrals Program staff provided information regarding rent control and ordinance changes regarding eviction. Staff made presentations to community groups, educating residents on tenant/landlord rights, rules and regulations under the Rent Control Ordinance. A detailed list of each outreach event is attached to this report (Attachment D).
- **Case Log Report** - Seven petitions were filed with the Rental Rights and Referrals Program between July 1, 2004 and September 30, 2004. Six of these petitions were regarding service reductions. One petition was ineligible. Information regarding these cases is attached to this report (Attachment E).



Leslie Corsiglia  
Director of Housing

Attachments

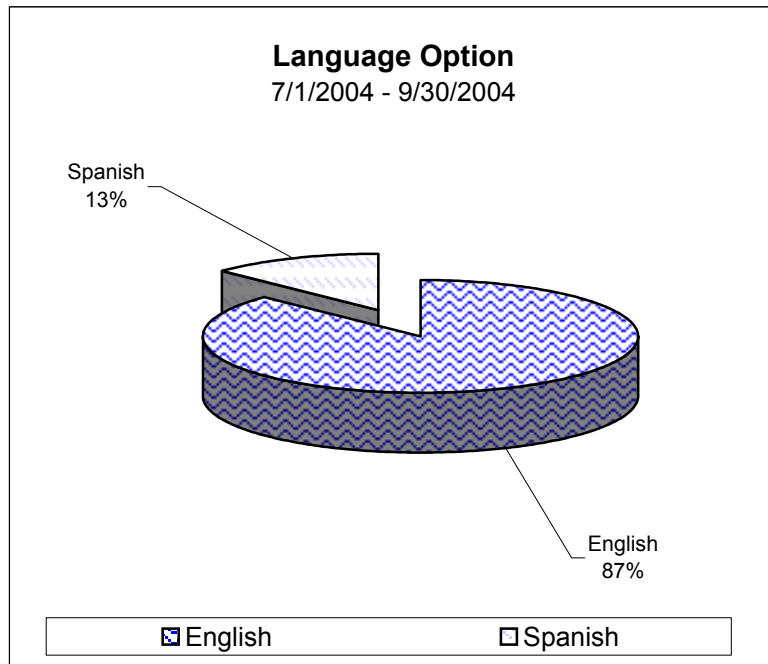
# Phone Tree Report

First Quarterly Report

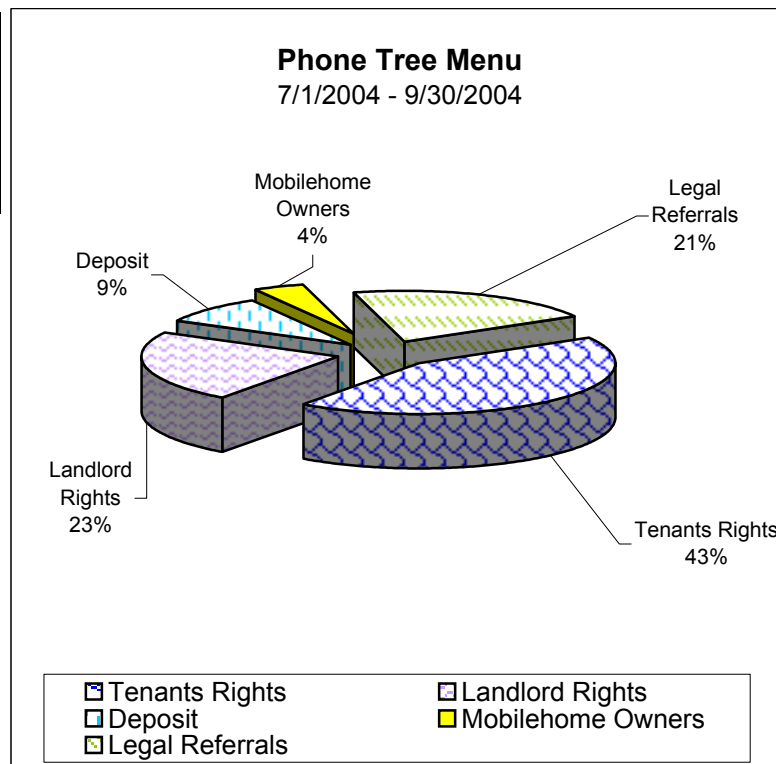
FY 2004-05

Attachment A

English	2,826
Spanish	411
<b>Total</b>	<b>3,237</b>



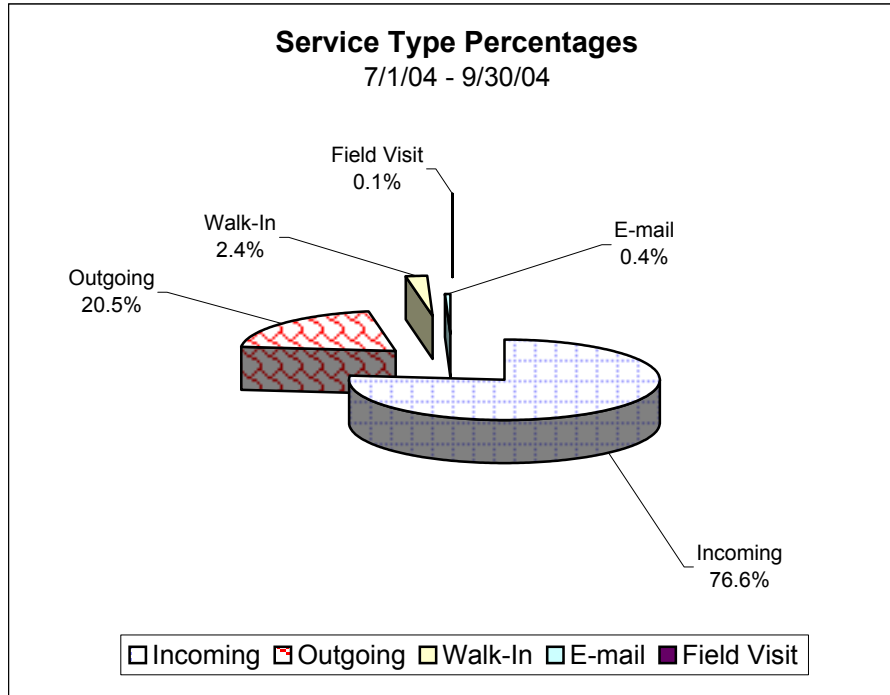
Tenants Rights	844
Landlord Rights	446
Deposit	174
Mobilehome Owners	79
Legal Referrals	409
<b>Total</b>	<b>1,952</b>



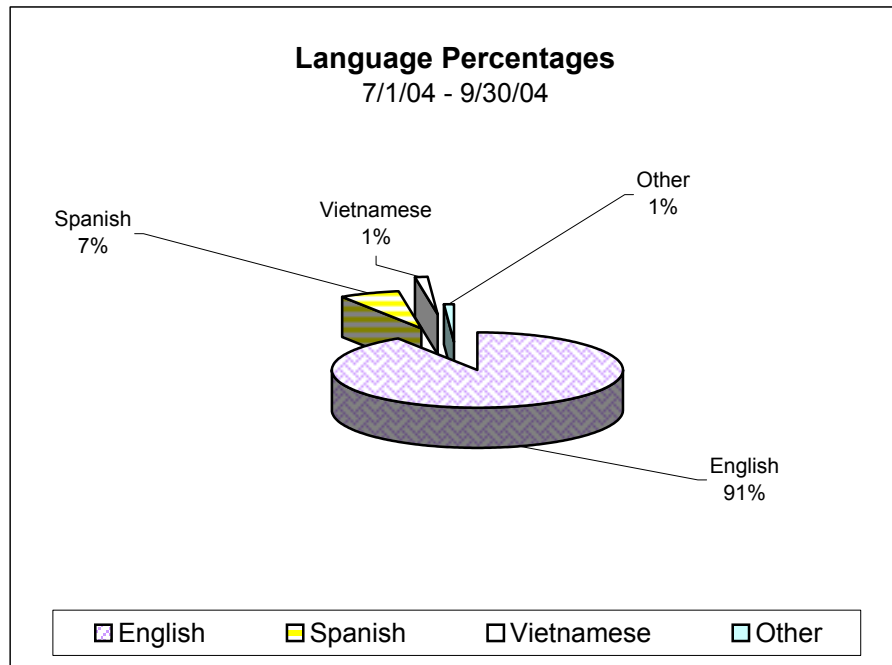
**Database Report**  
First Quarter FY 2004-05

Attachment B

Incoming	586
Outgoing	157
Walk-In	18
E-mail	3
Field Visit	1
<b>Total</b>	<b>765</b>



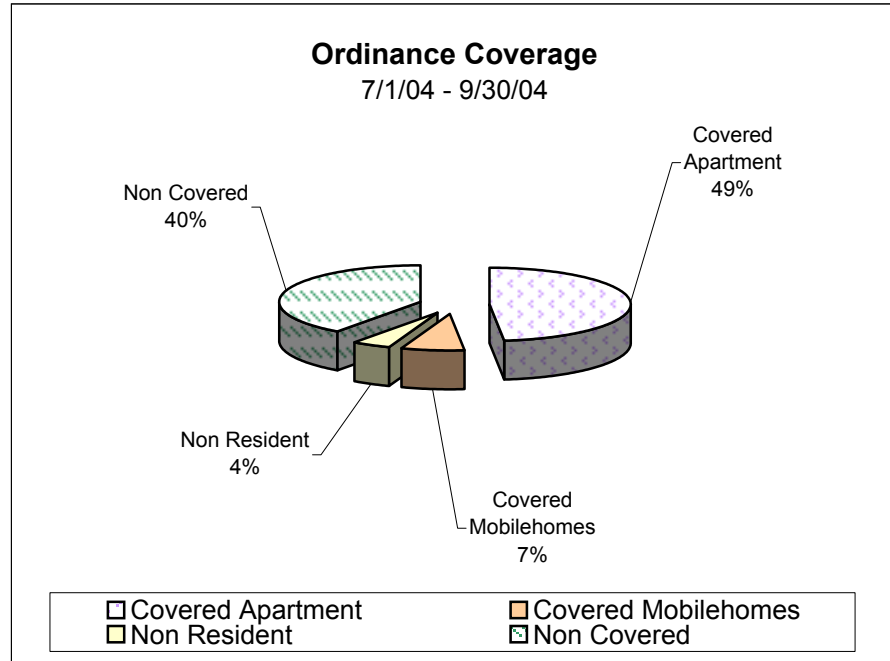
English	695
Spanish	51
Vietnamese	10
Other	9
<b>Total</b>	<b>765</b>



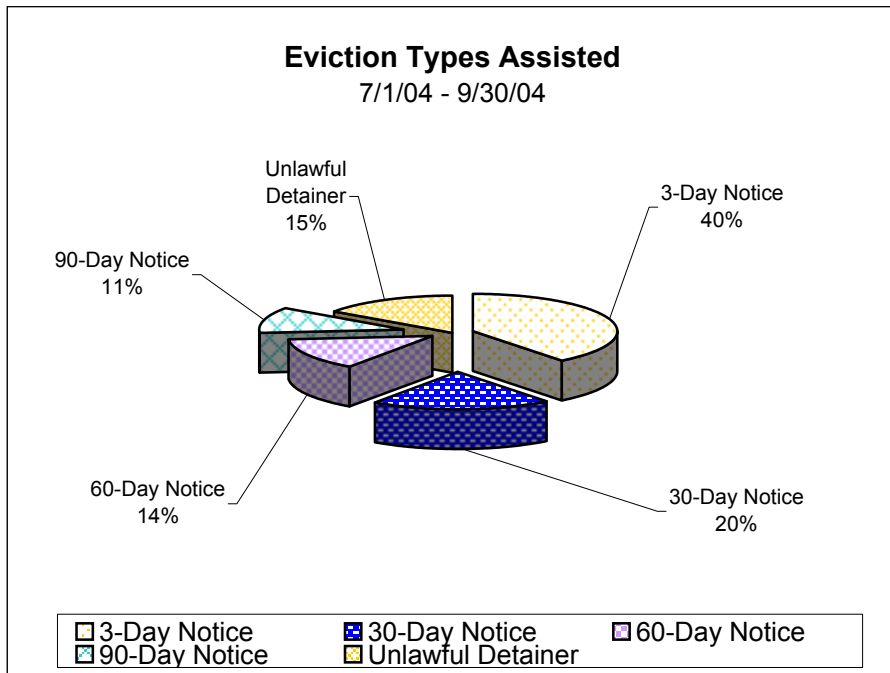
**Database Report**  
First Quarter FY 2004-05

**Attachment B**

Covered Apartment	369
Covered Mobilehomes	57
Non Resident	34
Non Covered	305
<b>Total</b>	<b>765</b>



3-Day Notice	39
30-Day Notice	20
60-Day Notice	14
90-Day Notice	11
Unlawful Detainer	15
<b>Total</b>	<b>99</b>



**30/60/90-Day Notice Information**

Attachment C

First Quarter FY 2004-05

7/1/04 - 9/30/04

Notices to Vacate			
Address	Zip Code	Date Served	Date Received
<b>30-Day Notices</b>			
3801 Underwood Dr. #4	95118	7/6/04	7/7/04
2288 Lucretia Ave. #1	95122	7/12/04	7/12/04
158 Revey Ave. #5	95128	7/20/04	7/20/04
2171 McLaughlin Ave. #3	95122	7/28/04	7/28/04
2378 Lucretia Ave. #4	95122	8/9/04	8/9/04
1065 Ranchero Way # 2	95117	8/11/04	8/23/04
36 South 10th St.	95112	8/12/04	8/13/04
148 Fruitdale Ave. #3	95126	8/14/04	8/17/04
32 S Morrison Ave. #1	95126	8/20/04	8/25/04
129 North 5th St.	95112	9/1/04	9/3/04
791 Ramos St. #1	95111	9/2/04	9/7/04
1341 Herald Ave. #9	95111	9/3/04	9/7/04
260 North Capitol Ave	95128	9/15/04	9/17/04
166 Revey Ave. #11	95128	9/20/04	9/23/04
2221 McLaughlin Ave. #2	95122	9/23/04	9/23/04
547 South 11th St. #6	95112	9/23/04	9/23/04
<b>Subtotal: 16</b>			
<b>60-Day Notices</b>			
E San Fernando St. #16	95112	6/28/04	7/1/04
2272 Eulalie Dr. #	95116	7/16/04	7/16/04
2205 McLaughlin Ave. # 4	95122	7/22/04	7/22/04
4951 Cherry Ave. #59	95118	7/22/04	7/23/04
1320 7th St. #2	95113	8/7/04	8/10/04
315 Checkers Dr. #90	95133	8/12/04	8/13/04
1065 Ranchero Way #14	95117	8/13/04	8/16/04
1065 Ranchero Way #119	95117	8/13/04	8/16/04
1202 South 2nd St.	95112	8/18/04	8/19/04
1559 Alta Glen Dr. #5	95118	8/26/04	8/30/04
1118 Starbird Ct. #1	95117	8/27/04	8/30/04
2742 Perymont Ave.	95125	9/2/04	9/7/04
36 Jackson Pl. #104	95113	9/10/04	9/20/04
1800 Stokes St. #110	95126	9/12/04	9/13/04
208 Montclair Ave.	95116	8/27/04	8/31/04
<b>Subtotal: 15</b>			

**30/60/90-Day Notice Information**

Attachment C

First Quarter FY 2004-05

7/1/04 - 9/30/04

Notices to Vacate			
Address	Zip Code	Date Served	Date Received
<b>90-Day Notices</b>			
260 N. Capitol Ave. #103	95128	7/15/05	7/19/04
850 Meridian Ave. #48	95126	7/21/04	7/22/04
1171 Leigh Ave.	95126	7/23/04	7/24/04
316 Checkers Dr. #205	95133	7/28/04	7/30/04
1348 Fruitdale Ave. #1	95126	8/14/04	8/17/04
327 Checkers Dr. #205	95133	8/16/04	8/18/04
1801 Park Ave. #11	95116	8/17/04	8/24/04
1750 Stokes St. #95	95126	8/20/04	8/20/04
975 Boynton Ave. #31	97117	8/25/04	8/25/04
111 North 12th St. #3	95128	8/27/04	8/31/04
1750 Stokes St. #6	95126	9/3/04	9/3/04
<b>Subtotal: 11</b>			
<b>Total: 42</b>			



**Public Outreach Report**

First Quarter FY 2004-05

7/1/04 - 9/30/05

**Date:** July 31, 2004

**Type:** Program Presentation

**Audience:** California Mobilehome Resource and Action Association (CMRAA)

**Location:** The Alameda

**Participants:** 35

The Rental Rights and Referral Program staff attended the California Mobilehome Resource and Action Association (CMRAA) at the Labor Council Building, 2102 Almaden Road, San Jose, California 95125. City Attorney, Vic Pappardo, gave a presentation on the Rental Rights and Referrals Program. CMRAA also gave an update on the Federal Court Rule on Mobilehome Rent Control. On July 16, 2004, the Ninth Circuit Court of Appeal rendered a decision of *Cashman v. City of Cotati*, ruling that the City's mobilehome rent ordinance causes an unconstitutional "regulatory taking" of the park's owner's property in violation of the Fifth Amendment to the United States Constitution. The decision strikes at the heart of affordable housing, and threatens the extinction of all mobilehome rent control ordinances throughout California.

**Date:** August 3, 2004

**Type:** Strong Neighborhood Initiative

**Audience:** National Night Out

**Location:** Chriss Hotts Park

**Participants:** 300

The Rental Rights and Referrals Program staff participated in the National Night Out community event. The event serves as a resource for the tenants and landlords of that community to receive information, to meet local businesses, government and community-based organizations, and to learn of the services available in their area. Rental Rights and Referrals Program staff distributed landlord/tenant information regarding rent-controlled rental units and information regarding eviction on non-rent controlled rental units. Councilmember Pat Dando attended the event supporting members of her community.

**Date:** August 12, 2004

**Type:** Resident Presentation

**Audience:** Westwinds Mobilehome Association

**Location:** The Alameda

**Participants:** 108

Rental Rights and Referrals Program staff gave a presentation educating residents on their rights under the Mobilehome Ordinance on Rent Control and the Mobilehome Rehabilitation Program. The presentation lasted approximately three hours and concluded with the distribution of relevant brochures. Residents also had questions regarding annual rent increases and pass-troughs.

**Date:** August 21, 2004  
**Type:** Multicultural Resource Fair  
**Audience:** Citywide  
**Location:** Discovery Meadows  
**Participants:** 400

Rental Rights and Referrals Program staff collaborated with Resources For Families And Communities (RFC) in organizing the 6<sup>th</sup> Annual Multicultural Festival. Program staff distributed program materials and brochures to residents to educate them on their rights under the Rent Control/Non-Rent Control & Mobilehome Ordinances. RFC requested from City staff, Theresa Ramos, be designated as one of four Mistress of Ceremonies for the event.

**Date:** September 9, 2004  
**Type:** Property Owner's Association Presentation  
**Audience:** Property Owners  
**Location:** 3021 Huff Ave.  
**Participants:** 7

On September 9th, Rental Rights and Referrals staff made a presentation to the Maglicco-Huff Property Owners Association. Staff provided an overview of the Program to the Association, focusing specifically on recent changes to the no-cause noticing process. Multiple resources were also provided to the group. The Association was pleased with the presentation and invited staff back to provide updates in the future.

**Date:** September 11, 2004  
**Type:** Festival in the Park  
**Audience:** Neighborhood Associations and Community Organizations  
**Location:** Rainbow Park  
**Participants:** 1,500

The Annual Festival is an important event for the community and neighborhood where people meet community organizations and has been informed about the services that are available in their communities. Councilmember Linda LeZotte attended the event supporting members of her community at District 1. Rental Rights and Referrals Program staff also participated in this outreach event by providing the attendees with informative landlord/tenant brochures (60-day notices) in three different languages: English 200, Spanish 50, and Vietnamese 50.

**Date:** September 18, 2004  
**Type:** Project Sentinel / Work Shop  
**Audience:** Mobilehome Residents  
**Location:** Mountain View  
**Participants:** 20

The Rental Rights and Referrals Program staff participated in an informational workshop on:

1. The unique nature of mobilehome ownership.
2. Mobilehome residence rights and responsibilities, under Mobilehome Residency Law (MRL) and other applicable legal obligations.
3. Legislative update.
4. Understanding and safeguarding credit.

**Date:** September 17, 2004  
**Type:** Fair Housing Plus Presentation  
**Audience:** City of San Jose  
**Location:** Housing Department  
**Participants:** 20

On September 17, 2004 the Rental Rights and Referrals Program team, members of the local fair housing organizations, and members of Tri-County Apartment Association participated in the Fair Housing workshop to discuss issues in the landlord/tenant community. A workshop on fair housing issues targeting small landlords will be planned in January 2005.

**Date:** September 25, 2004  
**Type:** District Five / Community Summit  
**Audience:** Neighborhood Associations and Community Organizations  
**Location:** Emma Prusch Park  
**Participants:** 1,000

The Rental Rights and Referrals Program provided information on the City's Rent Control Ordinances related to mobilehomes and apartments regarding the law on eviction notices. The Program web page, brochures, and staff member's business card were distributed to individuals interested in services. Councilmember Nora Campos' Community Summit consisted of booths from several City departments and non-profit organizations providing resources and information to the public. Councilmember Nora Campos attended the event supporting members of her community.

**Date:** September 25, 2004  
**Type:** Edenvale Property Owner's Association Presentation  
**Audience:** Property Owners  
**Location:** Villa San Pedro Apartments  
**Participants:** 10

Rental Rights and Referrals Program staff gave a presentation to a group of ten landlords. The purpose of the presentation was to provide information to landlords who own property covered/not-covered by the Rent Control ordinance. Information was given on recent changes to San José's Rent Control Ordinance regarding the eviction notices. The Rental Rights and Referrals Program staff addressed several questions and the presentation was well received.

# Rental Rights and Referrals Program Case Log Report

Attachment E

First Quarter FY 2004-05

7/1/04 - 9/30/04

General Information						Violation Type*						Mediation and Arbitration Process			Disposition of Cases
Address Street Number	Zip Code	Date Filed	Date Approved	# Of Petitions	Ineligible Petitions	%	SR	HC	Freq	Rights	NTV	Mediation Voluntary Decision	Arbitration Voluntary Decision	Closed	
2601 Nuestra Castillo Ct #1203	95127	7/6/04	7/6/04		1						1			7/30/04	The petition was ineligible. Tenant received 60-day notice. Tenant and landlord came to a voluntary agreement. After negotiations, the tenant was allowed to remain in the unit.
480 S. 4th St. #5	95112	7/22/04	7/26/04	1			1							8/12/04	An agreement was made between the landlord and the tenant. Landlord will pay resident \$100.00 for parking, and \$600.00 deposit within twenty one days. Resident agreed to leave rental unit in a clean condition.
3199 Impala Dr. #4	95117	8/27/04	8/30/04	1			1			1				8/31/04	Tenant reached an agreement with the owner and withdrew the petition.
1118 Starbird Circle #1	95117	9/2/04	9/2/04	1						1	1			9/27/04	10/6/04 A petition was filed regarding a 60-day notice. Voluntary agreement was not reached between the landlord and the tenant. Arbitration decision was made and the 60-day notice will stand. The tenants will vacate the rental unit on or before October 31, 2004.
87 Glen Eyrie, #28	95125	9/14/04	9/17/04	1			1			1			10/4/04	10/7/04	An agreement was made between the landlord and the tenant. Landlord will return the \$500.00 security deposit within twenty-one days of move out date. Additionally, both parties agreed that the landlord would reimburse \$250.00 of rent within seven days after the tenant vacated the unit.
3230 Loma Verde Dr. #F8	95117	9/28/04	9/30/04	1			1			1		10/13/04			Current
524 Chiechi Ave #2	95126	9/29/04	9/29/04	1			1			1		10/18/04			Current
<b>Totals for First Quarter FY 2004-05:</b>				<b>6</b>	<b>1</b>	<b>0</b>	<b>5</b>	<b>0</b>		<b>5</b>	<b>2</b>				
<b>Total Petitions Filed:</b>				<b>7</b>			<b>86%</b>	<b>16%</b>		<b>71%</b>	<b>29%</b>				

\*Each petition may have more than one type of violation indicated.

Legend	
Rent Increase Beyond 8%	%
Service Reduction	SR
Housing Code Violation	HC
Frequent Rent Increase	Freq
Notification of Rights	Rights
Notice to Vacate	NTV